

ASSEMBLY BILL

No. 746

Introduced by Assembly Member La Suer

February 22, 2001

An act to add Section 8809 to the Family Code, and to add Section 666.6 to the Penal Code, relating to enhancement fines.

LEGISLATIVE COUNSEL'S DIGEST

AB 746, as introduced, La Suer. Enhancement fines: adoption.

Existing law provides for sentence enhancement for certain criminal offenses, as specified. Existing law also provides for the adoption of minors, as specified.

This bill would provide that in addition to any other fine imposed for any of specified criminal offenses, the superior court in a criminal matter shall collect from the defendant upon conviction an enhanced fee of not less than \$500 and not more than \$1,250.

These fines would be forwarded monthly to the Adoption of Minor Children Account which would be created in the General Fund by this bill and which would be disbursed by the Controller, upon appropriation by the legislature, solely for defraying or reimbursing the cost of fees for petitions filed for the adoption of minors. The bill would impose a state-mandated local program requiring new duties of court personnel.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8809 is added to the Family Code, to
2 read:

3 8809. The fines imposed pursuant to Section 666.6 of the
4 Penal Code shall be forwarded monthly to the Adoption of Minor
5 Children Account, which is hereby created in the General Fund,
6 and which shall be disbursed by the Controller, upon appropriation
7 by the Legislature, solely for defraying or reimbursing the cost of
8 fees for petitions filed pursuant to subdivision (a) of Section 8810
9 for the adoption of minors.

10 SEC. 2. Section 666.6 is added to the Penal Code, to read:

11 666.6. (a) In addition to any other fine imposed for any of the
12 offenses listed in subdivision (b), the superior court in a criminal
13 matter shall collect from the defendant upon conviction an
14 enhanced fee of not less than five hundred dollars (\$500) and not
15 more than one thousand two hundred fifty dollars (\$1,250).

16 (b) This section applies to violations of Section 207, 209, 220,
17 243.4, 261, 261.5, 264.1, 266, 266o, 266j, 267, 269, 273a, 273ab,
18 273d, 273.4, 273.5, 285, 286, 288, 288a, 288.5, 289, 311.3, or
19 647.6.

20 SEC. 3. Notwithstanding Section 17610 of the Government
21 Code, if the Commission on State Mandates determines that this
22 act contains costs mandated by the state, reimbursement to local
23 agencies and school districts for those costs shall be made pursuant
24 to Part 7 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the claim for
26 reimbursement does not exceed one million dollars (\$1,000,000),



- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

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